IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 2384 of 2005
To
FIRST APPEAL No. 2389 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE M.C.PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SPL.LAQ OFFICER - Appellant(s)

Versus

SAVITABEN BALDEVDASJI & 1 - Defendant(s)

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Appearance :

MR SIRAJ GORI, AGP, for Petitioner No(s).: 1.

MR AJ PATEL for Respondent No(s).: 1 - 1.

None for Respondent No(s).: 1 - 1,2.

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CORAM : HONOURABLE MR.JUSTICE B.J.SHETHNA
and
HONOURABLE MR.JUSTICE M.C.PATEL

Date : 26/08/2005

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE B.J.SHETHNA)

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1.All these Appeals are admitted. Learned Counsel Shri

A.J.Patel appeared and waived service for the respondent – claimants all these Appeals. Respondent No.2 – Executive Engineer in all Appeals is formal party. At the joint request of learned Counsel for the parties all these Appeals are taken up for final hearing today and disposed of by this common Judgment and order as they arise out of the common Judgment and Award dated 12.11.2002 passed by the learned Extra Assistant Judge & Special Judge (L.A.R.), Ahmedabad (Rural) at Navrangpura in L.A. Case Nos. 2448 to 2453 of 1996.

2. In the instant case the lands of village Sarvar of Dhandhuka Taluka were acquired for which notification u/s.4 of the Act was issued on 17.8.1992. The Land Acquisition Officer passed the Award on 26.6.2005 and awarded only Rs.0.60 ps per sq.mtr to the respondent – claimants against their claim of Rs.25/- per sq.mtr. The same was challenged before the Reference court by all the respondent – claimants by way of L.A. Cases where they claimed total amount of Rs.25/- per sq.mtr. The Reference Court by its common Judgment and Award dated 12.11.2002 allowed all these L.A. Cases and awarded additional sum of Rs.24.40 ps per sq.mtrs., in addition to Rs.0.60 ps per sq.mtr awarded by the Land

Acquisition Officer to the respondent – claimants. The same challenged in all these Appeals.

3. The learned Government Pleader Shri Oza places on record the copy of Judgment and order dated 18.8.2005, passed by this Court in First Appeal Nos.1979 to 1992 of 2005 and submitted that all these Appeals are also required to be partly allowed in terms of the said Judgment. Learned Counsel Shri A.J.Patel for the respondent – claimants frankly conceded to it. He submitted that the only difference in these cases is that Section 4 notification was issued on 17.8.1992, whereas in the case which is decided by this Court the notification u/s.4 was issued on 11.2.1993.

4. In view of the above, all these Appeals are partly allowed in terms of the aforesaid Judgment and the total compensation, awarded to the respondent – claimants at the rate of Rs.25/- per sq.mtr by the Reference Court, is reduced to Rs.17.10 ps per sq.mtr. Rest of the impugned common Judgment and Award passed by the Reference Court is not interfered. Accordingly, all these Appeals are partly allowed to the aforesaid extent only with no order as to costs.

5. At this stage a request is made by learned Counsel Shri A.J.Patel for the respondent- claimants that now the

Appellant be directed to deposit the remaining amount awarded by this Court in view of the fact that Section 4 notification was issued way back 1992 and today we are in 2005. Having regard to the peculiar facts and circumstances of the case, it is hope and trust that the appellant shall deposit the balanced amount before the Reference Court, as early as possible and preferably within 6 months from the date of receipt of the copy of this Judgment. On the amount being deposited, the Reference Court shall disburse the same to the respondent- claimants in accordance with law.

(B.J.SHETHNA,J.)

(M.C.PATEL, J.)

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